

MINUTES
NEVADA STATE BOARD OF OPTOMETRY
REGULAR TELEPHONE MEETING

April 8th, 2005
Office of the Nevada State Board of Optometry
1000 East William
Suite 109
Carson City, Nevada

Dr. Alleman asked for public comment. There was no public comment.

A regular telephone meeting of the Nevada Board of Optometry was called to order by Board President, Kurt G. Alleman, O.D., at 8:05 o'clock a.m. on April 8th, 2005, at the office of the Board of Optometry, 1000 East William, Suite 109, Carson City, Nevada.

Identifying themselves as participating were:

Kurt G. Alleman, O.D., Board President
Brad C. Stewart, O.D., Board Member
George Bean, Board Member

Participating and present at the Board office were:

Judi Kennedy, Executive Director
Mark Marsh, Esq.
Carla Mack, O.D.

Noting the presence of Dr. Carla Mack, Dr. Alleman directed the Board's attention to Agenda Item 3, which included the Application for license renewal by Dr. Mack, and the Board's March 24th, 2005, Order. Dr. Alleman advised Dr. Mack that Dr. Sutton had recused himself from the discussion based on his prior business relationship with Dr. Mack.

Dr. Alleman asked Dr. Mack if she had received a copy of the Board's March 24th,

2005, Order. Dr. Mack responded she believed the copy of the Order that had been mailed to her had been misplaced, but that, at her request, Ms. Kennedy had faxed a copy to her. Dr. Alleman stated it was his understanding Dr. Mack was appearing before the Board for the purpose of discussing the contents of the March 24th, 2005, Order. Dr. Mack confirmed that was her intention, and apologized for not having attended the Board's March 14th, 2005, meeting. Dr. Mack stated there she had been experiencing problems receiving mail at her practice location, and that she had not received the subpoena until the day after the meeting. Dr. Mack continued, outlining for the Board numerous problems she had encountered receiving mail.

Turning to the Board's March 24th, 2005, Order, Dr. Mack stated she felt the Order was excessive. Dr. Mack went on to advise the Board she had been, and continues to be, in drug and alcohol counseling. Dr. Mack stated she was not practicing two years ago when two of her arrests for drinking while under the influence had occurred. Dr. Alleman advised Dr. Mack that it was the Board's charge to protect the public, and that based on her convictions and subsequent incarceration, the Board was obligated to take such action as it deemed necessary to prevent problems in the future. Dr. Mack stated she had a letter from her counselor. Dr. Stewart asked if she could read the letter to the members. Dr. Mack read the portions of the letter detailing the length of her counseling and her progress to date.

Further discussion of Dr. Mack's problems receiving her mail ensued. Ms. Kennedy informed the Board Dr. Mack had cured the suspension of her license for failure to renew, and that the license is currently in good standing.

Dr. Mack advised the Board she had been drug and alcohol free since July, 2004, that her counselor and other individuals in the Court system would verify that fact. Dr.

Stewart reiterated that it is the Board's responsibility to protect the public, and that based on Dr. Mack's prior lapse of judgment regarding drinking and driving, the Board's concern should be understandable to Dr. Mack. Dr. Mack restated her belief the Board's Order is excessive given her ongoing counseling and period of sobriety. Dr. Alleman pointed out it had only been eight months. Dr. Stewart commended Dr. Mack for the actions she had taken so far.

The Board members and Dr. Mack, then discussed the possibility of amending the Board's March 24th, 2005, Order. Dr. Mack stated she underwent breathalyzer tests each time she attended counseling. Mr. Marsh explained, at the request of the members, the breathalyzer test process. Dr. Alleman inquired how often Dr. Mack was required to attend counseling. Dr. Mack responded stating that she is currently attending counseling on a weekly basis, but the frequency of the counseling tapers as the 18 month Court ordered counseling period progresses.

At the conclusion of the discussion, the Board members and Dr. Mack agreed the Order would be amended. The amendment to the Order would include provisions that copies of the periodic reports prepared by Dr. Mack's counselor would be provided to the Board for the duration of her Court ordered counseling period; that Dr. Mack's probationary period would be changed to coincide with the counseling period; that at the conclusion of the counseling period, Dr. Mack would provide the Board with a letter, over her signature, confirming she had completed the counseling; and that Mr. Marsh would not proceed with the filing of a Show Cause action. Dr. Alleman cautioned Dr. Mack that she needed to rectify the situation with her mail. Dr. Alleman asked if there was further discussion, there was none. Dr. Stewart moved the Board's Order be amended as discussed. Mr. Bean seconded the motion. The vote was unanimous.

Dr. Alleman thanked Dr. Mack for attending the meeting. Dr. Mack left the meeting at 8:35 o'clock a.m.

Dr. Sutton joined the meeting at 8:38 o'clock a.m.

The Minutes of the February 18th, 2005, meeting were presented for approval. Dr. Sutton moved the Minutes be approved as drafted. Mr. Bean seconded the motion. The vote was unanimous.

The Minutes of the March 14th, 2005, meeting were presented for approval. Mr. Bean stated a period [.] should be inserted at the end of the third paragraph on the second page of the Minutes. With that correction made, Mr. Bean moved the Minutes be approved. Dr. Stewart seconded the motion. The vote was unanimous.

The Board moved to Agenda Item 5, the Accusation of Judi D. Kennedy, as Executive Director vs. Mark Ohriner, O.D. Ms. Kennedy advised the Board Dr. Ohriner had submitted the required forms to register his assumed name, and had paid the proposed \$500 administrative fine. Dr. Sutton moved the Accusation be dismissed based on resolution. Mr. Bean seconded the motion. The vote was unanimous.

The Board next considered Agenda Item 6, the Complaint of Judi D. Kennedy, as Executive Director vs. Mark Todd Hunt, O.D. Ms. Kennedy advised the Board that Dr. Hunt had not filed an answer to the Complaint. Dr. Stewart moved that an accusation be filed against Dr. Hunt, and that an administrative fine in the amount of \$200 be proposed to dispose of the accusation. Dr. Alleman asked for discussion. There was no discussion. Dr. Sutton seconded the motion. The vote was unanimous.

The Board discussed pending legislation, specifically SB 276. Ms. Kennedy advised the Board that she had been advised by Chief Deputy Attorney General Keith

Marcher, that the Board of Optometry had been removed from the list of boards to be affected by the bill. She went on to state Mr. Marcher had written a letter to the senator sponsoring the bill confirming the Board of Optometry's wish to not be included. Dr. Stewart directed Ms.

Kennedy to obtain a copy of Mr. Marcher's letter to the senator, and forward a copy of the letter to the members.

Ms. Kennedy's report to the Board included a discussion of sums currently on deposit in the Board's accounts, the number of licenses suspended for failure to renew timely, and the number of applications pending for individuals wishing to take the law exam. Mr. Bean moved Ms. Kennedy's salary be increased to \$60,000 annually, and that she be awarded a bonus in the amount of \$6,500. Dr. Stewart seconded the motion. The vote was unanimous.

Dr. Alleman asked for public comment. There was no public comment.

Mr. Bean moved the meeting adjourn. Dr. Stewart seconded the motion. The meeting adjourned at 8:50 o'clock a.m.